

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No. 2:13-cv-00787-JCM-VCF

**MOTION FOR ENLARGMENT OF TIME TO
FILE RESPONSIVE PLEADING TO
PLAINTIFF'S COMPLAINT (DOC. #8)
(FIRST REQUEST)**

COME NOW Defendants, State of Nevada ex rel. Nevada Department of Corrections and Dwight Neven, by and through their counsel, Catherine Cortez Masto, Attorney General, and Mercedes S. Menendez, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, and hereby motion for an extension of time for the filing of their response to Plaintiff's Civil Rights Complaint Pursuant to §1983 (Doc. #8) for the reasons stated in the accompanying Memorandum of Points and Authorities.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

Plaintiff Samuel Dodson ("Plaintiff"), who is presently in the custody of the Nevada Department of Corrections ("NDOC") and serving a prison sentence at High Desert State Prison, has a civil rights action pending in this Court, wherein he alleges his Eighth Amendment rights were violated when NDOC denied his requests for cataract surgery.

In the last two weeks, the undersigned counsel has had multiple responses, including but not limited to, settlement conference briefs (USDC 2:12-cv-01655-GMN-NJK), mediation briefs (USDC 2:12-cv-01296-APG-CWH and USDC 2:13-cv-01346-MMD-PAL), court ordered supplemental briefing (USDC 3:12-cv-00538-MMD-WGC) and discovery responses (USDC 3:10-cv-00162-LRH-VPC), all of which have made it difficult to have time to complete an intelligible response to Plaintiff's Complaint. Defense counsel believes she will need fourteen (14) days to adequately prepare a response to Plaintiff's Complaint.

II. LAW AND ANALYSIS

Fed. R. Civ. P. 6(b) provides in pertinent part:

(1) *In General*. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

. . .

LR 6-1 provides in pertinent part:

(a) Every motion requesting a continuance, extension of time, or order shortening time shall be "Filed" by the clerk and processed as an expedited matter. . . .

(b) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reasons for the extension requested. . . . Immediately below the title of such motion or stipulation there shall be included a statement indicating whether it is the first, second, third, etc., requested extension,...

Defense counsel requires an additional fourteen (14) days to complete the response to Plaintiff's Complaint and review all of the medical records related to it. Good cause exists for the needed extension of time. See Declaration of Mercedes S. Menendez attached hereto as

Exhibit "A." This Motion is being made prior to the expiration of the deadline and not for the purpose of delay.

III. CONCLUSION

Based upon the foregoing, Defendants request a fourteen (14) day extension of time for the filing of their answer or other responsive pleading to **January 27, 2014**.

Dated: January 13, 2014.

CATHERINE CORTEZ MASTO
Attorney General

By: /s/ Mercedes S. Menendez
MERCEDES S. MENENDEZ
Deputy Attorney General
Nevada State Bar No. 9443
State of Nevada
Office of the Attorney General
Bureau of Litigation
Public Safety Division

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 1-17-2014

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of January, 2013, I served the foregoing, **DEFENDANTS' MOTION FOR ENLARGMENT OF TIME**, by causing a true and correct copy thereof to be filed with the Clerk of the Court using the electronic filing system and by causing a true and correct copy thereof to be delivered to the Department of General Services, for mailing at Las Vegas, Nevada, addressed to the following:

Samuel Dodson, #93018
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070
Plaintiff Pro Se

/s/ Ana Booker
An employee of:
STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL